

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. N-07/08-332
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division denying her application for Food Stamps. The issue is whether the Department correctly determined the petitioner's income according to the pertinent regulations.

FINDINGS OF FACT

1. The petitioner and her husband are disabled and live with their two children. She applied for Food Stamps on May 27, 2008. The Department denied her application based on its determination that the household's net income exceeded the applicable program maximum.

2. Based on wage information provided by the petitioner the Department determined that she receives \$777 a month in SSI, that her husband receives Social Security benefits of \$689 a month, and that both children receive SSI in the respective amounts of \$669 and \$222 a month. This yielded a gross income figure of \$2357.

3. At status conferences held on August 13 and September 10, 2008 the petitioner did not disagree with any of the Department's determinations regarding her income.¹ The petitioner's husband is employed under a Social Security working disabled (PASS) program, and his wages are only partially counted in determining his Social Security benefits. However, the Department agrees that his *earned* income under this program is totally exempt from consideration in determining his eligibility for Food Stamps.

4. It appears that the Department allowed the household all applicable income deductions in determining that its countable net income was \$2,114.73, which exceeds the maximum of \$1,721 for a household of four persons.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all Social Security and SSI payments as unearned income. Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to

¹ The petitioner did state that after a deduction for a medical premium the amount of her SSI check is actually \$681. For the reasons set forth below, it is concluded that this discrepancy does not affect her eligibility for Food Stamps.

those specifically itemized in the regulations. Food Stamp Manual (F.S.M.) § 273.9(d). The petitioner does not dispute that the Department has correctly calculated her standard and shelter/utility deductions (\$143 and \$99 respectively), and that based on these amounts her net countable income of \$2,114 exceeds the program maximum of \$1,721 for a four-person household. See P-2590D.

Inasmuch as it appears that the Department's decision in this matter accurately reflected the petitioner's countable income and expenses, and was in accord with the applicable regulations regarding financial eligibility, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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